

Application No. 10/537003

Response to Office Action dated 07/09/2007

REMARKS

This Amendment is in response to the Office Action mailed on July 9, 2007. Claims 1-41 are cancelled without prejudice or disclaimer. Claims 42-70 are new. Claim 42 is new and includes features of cancelled claim 41 and is further supported, for example, in the specification on page 18, lines 18-20 and in Figures 2 and 5. Claims 43-54 are new and include the features of cancelled claims 9-20, respectively. Claims 55-60 are new and include the features of cancelled claims 22-27, respectively. Claims 61-67 are new and include the features of cancelled claims 29-35. Claim 68 is new and is supported, for example, in the specification on page 14, line 24-page 16, line 9 and in Figures 3 and 4. Claim 69 is new and is supported, for example, in the specification on page 21, line 2-page 22, line 12 and in Figures 7-9. Claim 70 is new and is supported, for example, in the specification on page 22, lines 13-22 and in Figure 6. No new matter is added. Claims 42-70 are pending.

§102 Rejections:

Claims 1-3, 6, 9-13, 17-19, 25, 28-31, 33 and 35-41 are rejected as being anticipated by Takemura (US Patent No. 6,246,859). This rejection is traversed. Claims 1-3, 6, 9-13, 17-19, 25, 28-31, 33 and 35-41 are cancelled without prejudice or disclaimer. Accordingly, this rejection is now moot. Applicants do not concede the correctness of this rejection.

§103 Rejections:

Claims 4, 5, 7, 8, 14-16, 20-24, 26, 27 and 32 are rejected as being unpatentable over Takemura. This rejection is traversed. Claims 4, 5, 7, 8, 14-16, 20-24, 26, 27 and 32 are cancelled without prejudice or disclaimer. Accordingly, this rejection is now moot. Applicants do not concede the correctness of this rejection.

New Claims:

In order to expedite the prosecution of this matter, the following is noted with respect to new claims 42-70 in light of Takemura. Claim 42 is directed to an analyzing device that requires, among other features, a detecting mechanism for detecting whether

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or not a test tool exists in a placement area, a light-measuring mechanism including a measurement light-emitting unit for emitting light onto the test tool transferred to the light-measuring area, and a conveying mechanism for transferring the test tool from the placement area to a light-measuring area which is different from the placement area.

Takemura does not teach or suggest these features. Takemura is directed to an original sensing device for sensing the presence/absence of an original placed on an original tray of a document feeder. The current Office Action interprets the same features of Takemura as teaching both a detecting mechanism and a light-measuring mechanism. However, as these features, including the light-emitting units 41 and the light-receiving units 42, are part of a single mechanism and are not located in two distinct locations, Takemura cannot teach or suggest both the detecting mechanism and the light-measuring mechanism of claim 42. Also, nowhere does Takemura teach or suggest a conveying mechanism for transferring a test tool from a placement area to a light-measuring area which is different from the placement area. For at least these reasons claim 1 is not unpatentable over Takemura. Claims 43-70 depend from claim 42 and should be allowed for at least the same reasons.

Applicants also note that many of the original dependent claims were rejected in the current Office Action as being well-known in the art. It is unclear as to what features in these claims are well-known in the art and upon what basis judicial notice is given. With regard to the new dependent claims, particularly new claims 68-70, Applicants demand that any subsequent rejection to new claims 42-70 be provided with evidentiary support that particularly identifies what features are well-known and upon what basis judicial notice is given.

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Conclusion:

Applicants respectfully assert that claims 42-70 are now in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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Respectfully submitted,

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By:

A handwritten signature in dark ink, appearing to read 'Curtis B. Hamre'. The signature is written over a horizontal line.

Curtis B. Hamre
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CBH/ahk/lis